

HON'BLE SRI JUSTICE R. SUBHASH REDDY

W.P.NO. 10930 OF 2006

DATED: 8.6.2006

Between:

P. Papakka and others

... Petitioners

and

The Divisional Forest Officer,
Kothagudem, Khammam District

... Respondent

HON'BLE SRI JUSTICE R. SUBHASH REDDY

W.P.NO.10930 OF 2006

ORAL ORDER:

The petitioners, six (6) in number, were residents of Koppurai village, Tekulapally Mandal, Khammam District. They filed this writ petition questioning the proceedings dated 6.5.2006 issued by the respondent-Divisional Forest Officer, Kothagudem.

The facts in brief are that the petitioners, who are tribals and possessing different extents of patta lands in Sy.No.55 of the said village, had applied for permission to cut tree growth in their lands. At the first instance, the District Collector, Khammam had granted such permission on 5.4.2005. Accordingly, orders were issued by the respondent-Divisional Forest Officer, Kothagudem to fell the tree growth on 3.7.2005. When there was a doubt with regard to the boundaries of the patta lands with that of the adjoining Reserve Forest area, the Divisional Forest Officer had issued the impugned orders to stop further cutting of the forest growth in the patta lands so as to verify the location of patta duly taking the latitude and longitude of the points around the patta and to superimpose them in the Survey of India Sheet of the Reserve Forest.

In the counter affidavit filed on behalf of the respondent it appears though the petitioners were granted permission for removal of the forest growth from the patta land, but in view of the doubts entertained by the respondent with regard to boundaries of the patta land with that of the adjoining forest land, the Divisional Forest Officer had addressed the Forest Range Officer, Kothagudem to stop the transactions i.e. with regard to removal of forest growth, until further orders and also to verify the location of patta duly taking the latitude and longitude of the points around the patta and superimposed in the Survey of India Sheet of Reserve Forest. In that view of the matter, to mark the boundaries of the patta land as a temporary measure and till such verification, the impugned order came to be passed.

But, however, it is stated by the learned counsel for the petitioners that pursuant to the permission granted by the District Collect, on which basis further permission was given by the Divisional Forest Officer for cutting the forest growth from the patta land in Sy.No.55 they have already removed the substantial extent and at this stage if the transactions are stopped they would be put to irreparable loss. Though it is always open for the respondent to verify the boundaries of the patta land with that of the Reserve Forest by taking the latitude and longitude of the points around the patta land, but however in view of the permissions already granted to the petitioners if the same exercise of locating the boundaries is not completed within an earliest and specified time, it will certainly hamper the process of removal of tree growth by the petitioners.

In that view of the matter, I dispose of the writ petition directing the respondent to verify the boundaries and location of patta land as per the impugned proceedings dated 6.5.2006, within a period of four weeks from today and on making the boundaries the petitioners shall be permitted to remove the tree growth in accordance with the permissions already granted to them.

With the above observation, the writ petition is disposed of. No order as to costs.

R. SUBHASH REDDY,J

Date: 8.6.2006
CVM